

City of Bloomington Common Council

Legislative Packet

16 May 2012

Office of the Common Council
P.O. Box 100
401 North Morton Street
Bloomington, Indiana 47402
812.349.3409

council@bloomington.in.gov
<http://www.bloomington.in.gov/council>



To: Council Members
From: Council Office
Re: Weekly Packet Memo
Date: May 11, 2012

Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

None

Legislation for Second Reading:

None

Legislation and Background Material for First Reading:

- **Ord 12-11** To Amend the Planned Unit Development (PUD) District Ordinance and Preliminary Plan for Lot 205 of Renwick Phase III, Section I within the Renwick PUD - Re: 1533 S. Piazza Drive (Renwick Village Center, Petitioner)
 - Certification (8-0); Aerial Photo of PUD, Map of Lots and Building Footprints; Map of Building C-5; Memo to Council (from Pat Shay, Development Review Manager); Letter from the Petitioner; List of Uses; Communications in Support of the Petition
Contact: Pat Shay at 349-3424 or shayp@bloomington.in.gov
- **Ord 12-12** To Amend Title 14 of the Bloomington Municipal Code Entitled “Peace and Safety” - Re: Amending Section 14.36.090 (Intoxicating Beverages – Consumption in Public) to Authorize Sale of Beer at Cascades Golf Course
 - Memo to Council from Mick Renneisen, Director of Parks and Recreation; Memo from Mike Rouker, Assistant City Attorney; Annotated Changes to BMC 14.36 (Intoxicating Beverages – Consumption in Public)
Contact: Mick Renneisen at 349-3700, renneism@bloomington.in.gov

Minutes from Regular Session:

- **April 18, 2012**

Memo

Reminder: Presentation Hearing for Jack Hopkins Social Services Funding Committee on Tuesday, May 15th at 5:00 p.m. in the Council Chambers

No Items for Second Readings and Two Items for Introduction at Regular Session on Wednesday, May 16th

There are no items ready for second reading, but two items ready for introduction next Wednesday. Those items can be found in this packet and are summarized herein.

First Readings:

Item One – Ord 12-11 (Amending the District Ordinance for the Renwick Planned Unit Development [PUD] to Allow for a Fitness Center Use in Building C-5 of the Renwick Village Center)

Ord 12-11 amends the district ordinance and preliminary plan for the Renwick Planned Unit Development (PUD) to allow for a fitness center/gym use on the second floor of building C5 of the Renwick Village Center.

As many of you may recall, the Village Center is a ~10-acre office and multi-family component of this 80-acre PUD and is located southeast of the intersection of Moores Pike and Sare Road. As the name implies, the Village Center was planned, in part, as mix of residential structures and a small-scale commercial village area to provide neighbors in the immediate area with services a walkable distance from their home. It is located at the intersection of S. Sare Road and E. Cathart Street and is largely built-out. The uses within the commercial buildings were limited to as much as 22,000 s.f. of commercial on the first floor and 10,000 s.f. of offices and 18 residential uses on the second floor. This change would allow a fitness center/gym use along with offices and residences on the second floor of Building C-5.

The memo from Pat Shay, Development Review Manager:

- provides a brief overview of development within the PUD;
- notes the minor nature of the change and the comments submitted in regard to it (all in favor); and
- reports the recommendation of the Plan Commission which was positive, unanimous, and without conditions.

Item Two Ord 12-12 (Amending BMC Chapter 14-36 [Intoxicating Beverages – Consumption in Public] to Allow Beer and Wine on the Cascades Golf Course)

Ord 12-12 amends Chapter 14.36 of the Bloomington Municipal Code to allow the consumption of beer and wine at the Cascades Golf Course. Currently, the ordinance allows the consumption of beer, wine and any other alcoholic beverage *within the clubhouse* at the Cascades Golf Course and Buskirk-Chumley Theater. The change would allow the consumption of beer and wine on the course itself when the alcohol was procured at the clubhouse. *Please note that, for the foreseeable future, the Parks and Recreation Department intends to sell only beer for consumption on the golf course. Those consuming beer on the course will be issued easily-identifiable coolers that will help staff know who has beer.*

There is a memo from Mick Renneisen, Director of Parks and Recreation, explaining the proposal and a memo from Mike Rouker, Assistant City Attorney, discussing the potential liabilities associated with this change.

The memo from Renneisen says that the sale of beer for use on the course will “add an additional revenue stream” and allow for “better control of the current consumption of alcohol” there. The additional revenue will help offset the increase in operational costs for the course at a time when the fees have remained the same and the demand has perhaps declined slightly over the last few years. The memo estimates that the additional revenue will be from \$18,250 to \$32,250 per year (with a nominal increase in ancillary costs for the purchase of “identifiable, foldable coolers,” insurance liability and licensing). This estimate is partly based upon the expectation that more “group bookings,” which have gone elsewhere in the past because of the current prohibition, will be made at Cascades. The memo also notes that other municipal golf courses in Indiana allow the sale of alcohol.

The memo from Rouker discusses the liabilities associated with selling alcohol as well as allowing its use on the City’s premises. He concludes that while the City’s exposure to liability based upon the sale of alcohol will increase, the implementation of some “prudent risk management steps” will help control that additional exposure. Those steps center on obtaining liquor liability insurance and a careful selection of the employees who are authorized to sell the beer. He also concludes that the exposure to premises liability will “if anything...decrease,” given the limitation of consumption of alcohol to those who have purchased beer at the course as evidenced by the easily-identifiable coolers.

Happy Birthday Council President Tim Mayer (May 14th) !

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, MAY 16, 2012
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: April 18, 2012

IV. REPORTS (A maximum of twenty minutes is set aside for each part of this section.)

- 1. Councilmembers**
- 2. The Mayor and City Offices**
- 3. Council Committees**
- 4. Public ***

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

None

VII. LEGISLATION FOR FIRST READING

1. Ordinance 12-11 To Amend the Planned Unit Development (PUD) District Ordinance and Preliminary Plan for Lot 205 of Renwick Phase III, Section I Within the Renwick PUD – Re: 1522 S. Piazza Drive (Renwick Village Center, Petitioner)
2. Ordinance 12-12 To Amend Title 14 of the Bloomington Municipal Code Entitled “Peace and Safety” Re: Amending Section 14.36.090 (Intoxicating Beverages – Consumption in Public) to Authorize Sale of Beer at Cascades Golf Course

VIII. ADDITIONAL PUBLIC COMMENT * (A maximum of twenty-five minutes is set aside for this section.)

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

* Members of the public may speak on matters of community concern not listed on the Agenda at one of the two *Reports from the Public* opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.



City of Bloomington
Office of the Common Council

To Council Members
From Council Office
Re Weekly Calendar – 14 - 19 May 2012

Monday, 14 May

No meetings are scheduled for this date.

Happy Birthday Council President Tim Mayer!!

Tuesday, 15 May

4:00 pm Board of Public Safety, McCloskey
5:00 pm Jack Hopkins Social Service Program Committee Agency Presentations, Council Chambers
5:00 pm Community and Family Resources Commission, Hooker Room
5:30 pm Animal Control Commission, McCloskey
6:00 pm Bloomington Commission on Sustainability, Kelly
6:30 pm Sister Cities International, Dunlap

Wednesday, 16 May

9:30 am Tree Commission, Bryan Park, 1001 S. Henderson
2:00 pm Hearing Officer, Kelly
4:00 pm Board of Housing Quality Appeals, McCloskey
4:00 pm Book Signing, "The Showers Brothers Furniture Company: The Shared Fortunes of a Family, a City, and a University" by Carrol Krause, and "Herman B Wells: The Promise of the American University" by James H. Capshew, City Hall Atrium
7:30 pm Common Council Regular Session, Council Chambers

Thursday, 17 May

12:00 pm Board of Housing Appeals, BHA, 1007 N. Summit
3:30 pm Bloomington Municipal Facilities Corporation, Dunlap
6:00 pm Switchyard Park Property Conceptual Design Presentation, Council Chambers

Friday, 18 May

12:00 pm Domestic Violence Task Force, McCloskey

Saturday, 19 May

8:00 am Bloomington Community Farmers' Market, Showers Common, 401 N. Morton
Lemonade Day! <http://bloomington.lemonadeday.org/>



For a meeting to be listed on the Weekly Calendar, please post the meeting information to the City Google Calendar or e-mail the meeting information to council@bloomington.in.gov by 5:00 P.M. Wednesday the week prior to the meeting. Thank you

Posted and Distributed: Friday, 11 May 2012

ORDINANCE 12-11

**TO AMEND THE PLANNED UNIT DEVELOPMENT (PUD) DISTRICT ORDINANCE
AND PRELIMINARY PLAN FOR LOT 205 OF RENWICK PHASE III, SECTION I
WITHIN THE RENWICK PUD
- Re: 1533 S. Piazza Drive
(Renwick Village Center, Petitioner)**

WHEREAS, Ordinance 06-24, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled, "Zoning", including the incorporated zoning maps, and incorporated Title 19 of the Bloomington Municipal Code, entitled "Subdivisions", went into effect on February 12, 2007; and

WHEREAS, the Plan Commission has considered this case, PUD-10-12, and recommended that the petitioner, Renwick Village Center, be granted an amendment to the PUD District Ordinance and Preliminary Plan for Lot 205 of Renwick Phase III, Section 1 within the Renwick PUD and thereby requests that the Common Council consider this petition;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Through the authority of IC 36-7-4 and pursuant to Chapter 20.04 of the Bloomington Municipal Code, the PUD District Ordinance and Preliminary Plan and the list of permitted uses be amended for the property at 1533 S. Piazza Drive. The property is further described as follows:

Lot 205 of Renwick Phase III, Section 1 as recorded in Plat Cabinet D, Envelope 83 in the Office of the Recorder of Monroe County, Indiana.

SECTION 2. The amendment to the PUD District Ordinance shall be attached hereto and made a part thereof.

SECTION 3. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2012.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2012.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2012.

MARK KRUZAN, Mayor
City of Bloomington

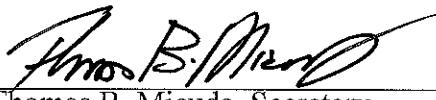
SYNOPSIS

This ordinance amends the PUD District Ordinance and Preliminary Plan for Lot 205 of Renwick Phase III, Section 1 within the Renwick PUD. The amendment would add fitness studio/gym as a permitted use for this individual lot.

ORDINANCE CERTIFICATION

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 12-11 is a true and complete copy of Plan Commission Case Number PUD-10-12 which was given a recommendation of approval by a vote of 10 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on April 9, 2012.

Date: April 13, 2011



 Thomas B. Micuda, Secretary
 Plan Commission

Received by the Common Council Office this 13th day of APRIL, 2012.



 Regina Moore, City Clerk

Appropriation Ordinance # _____	Fiscal Impact Statement Ordinance # _____	Resolution # _____
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Type of Legislation:

Appropriation Budget Transfer Salary Change Zoning Change New Fees	End of Program New Program Bonding Investments Annexation	Penal Ordinance Grant Approval Administrative Change Short-Term Borrowing Other
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If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

Fund(s) Affected _____	_____	_____
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/-)	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

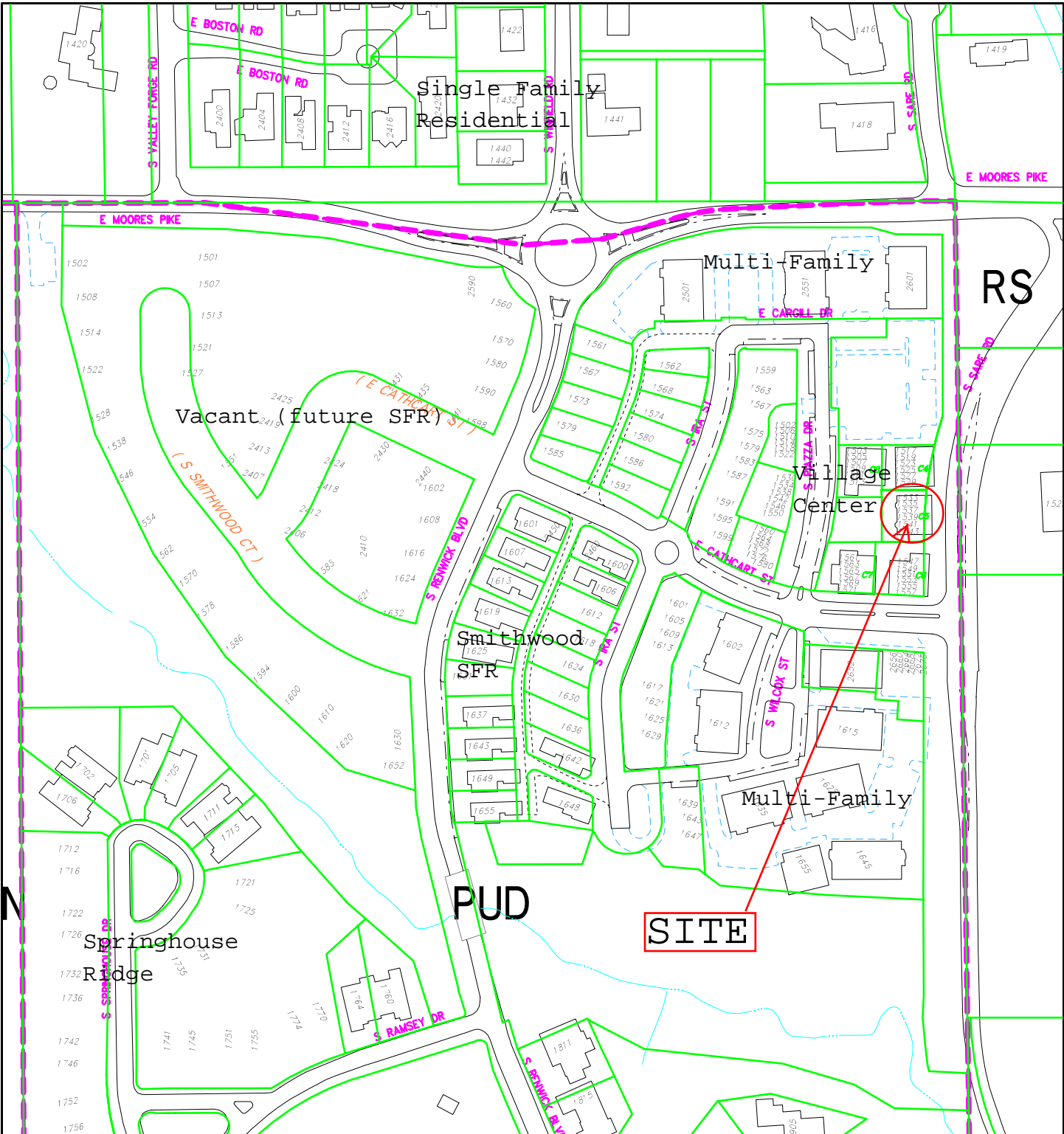
Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes _____ No _____

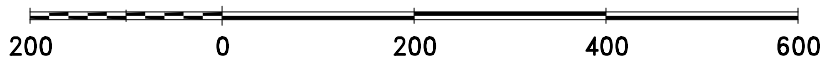
If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

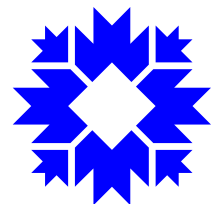


V-5-11 JC Hart Company, Inc.
 Location Zoning Map

By: shapp
 3 Feb 12

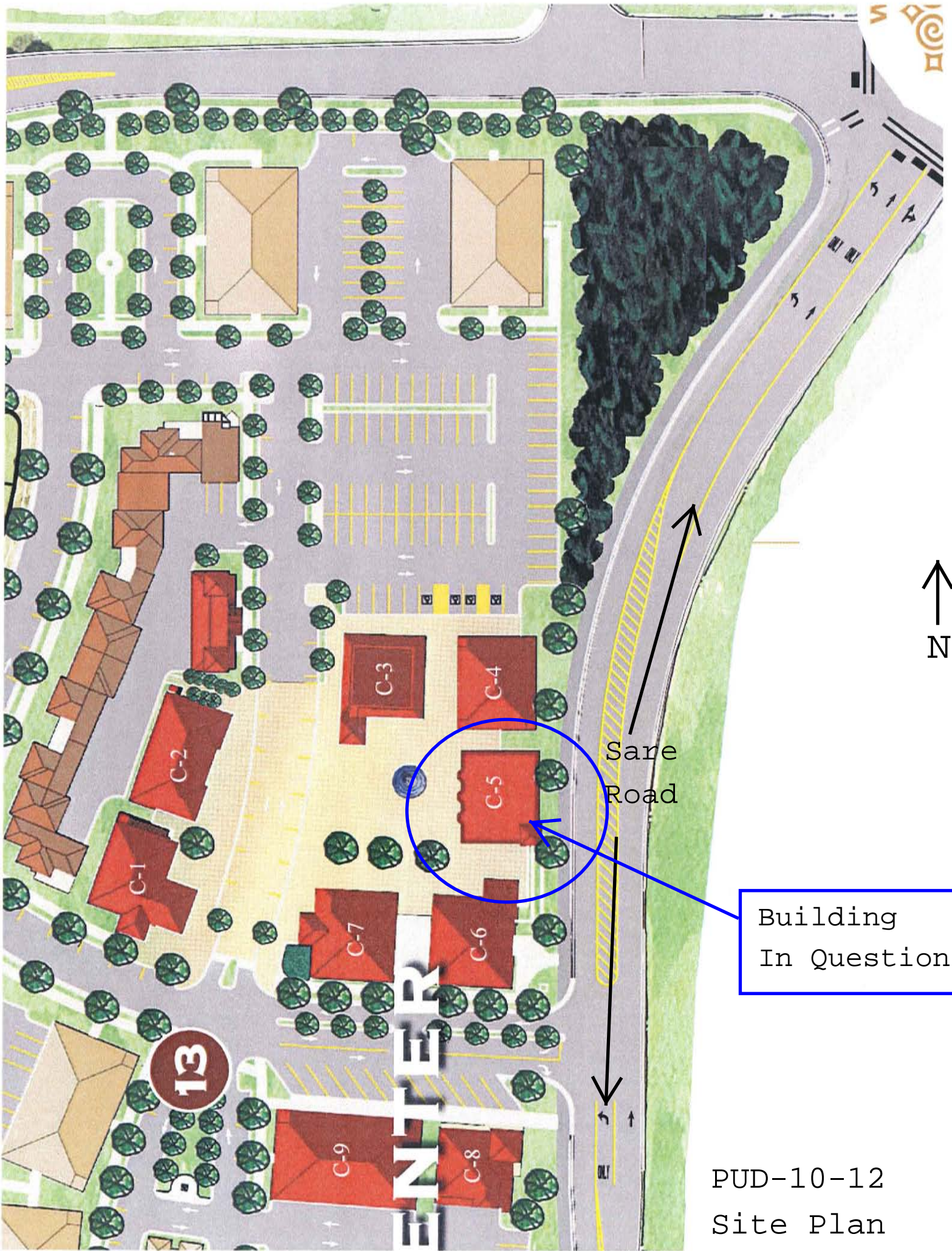


City of Bloomington
 Planning



Scale: 1" = 200'

For reference only; map information NOT warranted.



Sare Road

Building
In Question

PUD-10-12
Site Plan

13

CENTER

C-1
C-2
C-3
C-4
C-5
C-6
C-7
C-8
C-9

To: Members of the Common Council
From: Patrick Shay, Development Review Manager
Subject: Case # PUD-10-12
Date: April 23, 2012

Attached is the amendment to the PUD District Ordinance pertaining to Plan Commission Case # PUD-10-12. The PUD District Ordinance amendment is made up of the staff report, petitioner's statement and exhibits reviewed by the Plan Commission at its April 9, 2012 meeting. The Plan Commission voted 8-0 to send this petition to the Common Council with a favorable recommendation.

REQUEST: The petitioner is requesting a District Ordinance amendment to the Renwick Planned Unit Development to allow a fitness center/gym use on the second floor of building C5 of the Renwick Village Center.

SITE INFORMATION:

Address: 1533 S. Piazza Drive
Current Zoning: Planned Unit Development (Renwick PUD)
GPP Designation: Urban Residential (Ramsey Farm Subarea)
Permitted Land Use: Office and Multi-family
Proposed Land Use: Office, Multi-family, and Fitness Studio/Gym
Surrounding Uses: North – Multi-family and Single Family
South – Multi-family and Single Family
East – Single Family
West – Multi-family and Single Family

REPORT: This property is part of the Renwick Planned Unit Development (PUD) that received approval in 2004. The PUD was broken up into several development areas. The southern 2/3 of the property, located south of an existing creek, was approved and has been developed with attached and detached single family subdivisions. A large private park was also included with that portion of the site. The northern 1/3 of the property included several development types including single family, multi-family, townhomes, and mixed-use commercial. The multi-family and townhomes are nearly completed while much of the single family east of S. Renwick Boulevard has been constructed. None of the single family homes permitted west of Renwick Blvd. has been constructed. The approved mixed-use Village Center has been mostly constructed near the intersection of S. Sare Road and E. Cathcart Street. The Village Center is surrounded by apartment and townhome structures.

The petitioners are seeking an amendment to the District Ordinance of this PUD to allow a fitness studio/gym (pilates and yoga) on the second floor of Building C-5. This is the middle building north of Cathcart St. located along Sare Rd. The existing Preliminary Plan and District Ordinance had a very narrow list of uses for the lower level commercial uses and restricted the second floor space to a maximum of 10,000 square feet of office space and also for a limited number of

residential units. This request would only add the proposed commercial use to this building. No other changes are being proposed with this request.

GROWTH POLICIES PLAN COMPLIANCE: The original rezoning petition specifically outlined compliance with the Growth Policies Plan (GPP) for this PUD. The Plan Commission found no change to the overall GPP compliance as a result of the proposal to add a fitness studio/gym to the approved list of uses. Staff finds that the inclusion of a fitness studio/gym at this location will not change compliance with the GPP.

PLAN COMMISSION CONCLUSIONS: The Plan Commission found this to be a very minor change to the PUD with negligible impacts to the development and the surrounding area. Staff has not received any negative comments from the surrounding property owners and has received several letters of support.

RECOMMENDATION: The Plan Commission voted 8-0 to forward this petition to the Common Council with a favorable recommendation with no conditions.



RENWICK

March 5, 2012

Plan Commission
City of Bloomington Planning Department
401 N. Morton Street
Bloomington, IN. 47402

RE: Renwick Village Center PUD Amendment

Dear Plan Commission,

Recently we have had a neighbor to the Renwick community request to expand their Pilates studio to the Renwick Village Center. They would like very much to utilize the second floor of 1533 S. Piazza Drive (C-5) for this use. After a review of the PUD with the planning department it was determined that a PUD amendment would be required to allow this use on the second floor of C-5.

We feel the use at this location would not adversely affect the other uses in the Village Center. We believe that the addition of this use adds to the diversity of the neighborhood services and promotes the concept of "live-work" and integration of neighborhoods that the Renwick Village Center was founded on.

We respectfully request to be placed on the April 9th 2012 Plan Commission Agenda for this PUD Amendment to Amend the Renwick PUD to include Pilates & Yoga Studio with waiver of second Plan Commission Hearing and Final Plan approval to be delegated to staff review.

Respectfully,

Renwick Village Center Holdings 5, LLC

Timothy A. Hanson
Cc: Eric Stolberg

PUD-10-12
Petitioner's
Statement

Another WingerStolberg Homes community designed around your life.



The Village Center at Renwick

Commercial Uses:

- Live/work individual buildings per guidelines
- Medical services including Doctor, Dentist, Optometrist, and Chiropractor
- Veterinarian office (no kennels)
- Restaurant (no drive through)
- Business services
- Bike shop
- Convalescent/Rest home
- Community Center
- Cultural facility
- Daycare Center
- Walk up ATM (no drive through)
- Offices
- Personal service
- Food services such as coffee/bagel, ice cream, pizza, Subway etc. (no drive through)
- Neighborhood convenience food market (no gas pump)
- Drycleaners (drop off/pick up)
- Light retail such as flowers, art store, gift/card shop, books/newspaper, etc.

Note:

We anticipate over half of the first floor commercial space will be occupied by medical services, business service, and personal service type users. The balance of the square footage will be filled in with other uses outlined above.

We further anticipate that well over half of the users in the commercial Village Center will be owners of their building and some may very well live in the immediate area of Renwick or other adjacent neighborhoods. There is a strong demand for ownership of one's office or business rather than lease.

Ord 12-11

**To Amend the Planned Unit Development (PUD)
District Ordinance and Preliminary Plan
for Lot 205 of Renwick Phase III, Section I
within the Renwick PUD
- Re: 1533 S. Piazza Drive (Renwick Village
Center, Petitioner)**

Communications In Support of the Amendment

APR - 3 2012

March 21, 2012

Planning Commission
C/O Tom Micuda
401 N. Morton Street
Bloomington, IN 47404

RE: Bloomington Body Bar

I am writing in support of Bloomington Body Bar. As tenant of Renwick I believe a Yoga studio would fit nicely in the Village Center. Our clientele are appreciative of unique local business and would welcome the opportunity to utilize two services in the same visit. They can simply participate in a class here at Happy Paper Pusher then walk over and have a personalized yoga class.

The concept of people strolling in the plaza between classes or to and from home is very inviting and will only help our businesses here in Renwick.

Thank you for your time. If I can offer any further support or you would like to discuss this with me please feel free to call me 812-822-1938

Sincerely,



Lesley Seyer
The Happy Paper Pusher
1555 S. Piazza Drive
Bloomington, IN 47401
happypaperpusher.COM

APR - 3 2012

March 21, 2012

Planning Commission
Mr. Micuda
401 N. Morton Street
Bloomington, IN 47404

RE: Bloomington Body Bar & Suzy Yeagley

We want to let you know what we totally support Bloomington Body Bar and Suzy Yeagley as a new business here in Renwick Village Center. We have a small salon in Renwick and have enjoyed being a part of the village center and believe a Yoga studio would add to the unique services already being offered here.

Sincerely,
Oasis Hair Salon

Cynthia DiPrimio
Michelle D. Keller

Michelle Keller, Owner 765-346-3222
Cynthia DiPrimio, Owner 812-325-6398

Michelle Keller, Owner.

OASIS HAIR
1563 S. Piazza Drive
Bloomington, IN 47401

Cynthia DiPrimio, Owner

APR - 3 2012

March 28, 2012

Planning Commission
C/O Tom Micuda
401 N. Morton Street
Bloomington, IN 47404

RE: Suzy Yeagley

As a business owner and building owner in Renwick Village Center and a homeowner in Renwick, I wanted to write in support of Suzy Yeagley and her efforts to open a yoga studio in the Village Center.

The PUD already allows this use in the Village Center, however, only on the first floor. Our office is located on the second floor by choice as our use requires a quieter atmosphere and customers are by appointment only. Yoga requires not only quiet but privacy both of which are available on the second floor. It makes sense that private uses are on the second floor.

We also feel this use is complementary to the other business in Renwick and consistent with the character being created in Renwick.

In order for her to proceed the city is being asked to amend the PUD to allow a yoga studio on the second floor. As a business owner and resident of Renwick I ask that you grant her petition.

If I can offer any further support or you would like to discuss this with me please feel free to call me.

Sincerely,



Wayne Johnson
First Appraisal Group
1569 S. Piazza Drive
Bloomington, IN 47401
(812) 337-0772



FIRST
APPRAISAL GROUP

Real Estate Valuation and Consulting

DD Décor



APR - 3 2012

March 29, 2012

*Planning Commission
C/O Tom Micuda
401 N. Morton Street
Bloomington, IN 47404*

RE: Yoga Studio in Renwick Village Center

My name is Dana Goode and I have just opened DD Décor in Renwick Village Center. I was just informed that a yoga studio is trying to open in Renwick Village in the suite above my shop. I wanted to express my appreciation of this and support this effort 110%.

This will be a huge benefit to my business and my clientele will love it. Please allow them to locate their studio in the Village Center.

Sincerely,

Dana Goode

*Dana Goode, Owner
DD Décor*

APR - 3 2012

March 21, 2012

Planning Commission
C/O Tom Micuda
401 N. Morton Street
Bloomington, IN 47404

RE: Bloomington Body Bar

I am writing in support of Bloomington Body Bar. As tenant of Renwick I believe a Yoga studio would fit nicely in the Village Center. Our clientele are appreciative of unique local business and would welcome the opportunity to utilize two services in the same visit. They can simply participate in a class here at Happy Paper Pusher then walk over and have a personalized yoga class.

The concept of people strolling in the plaza between classes or to and from home is very inviting and will only help our businesses here in Renwick.

Thank you for your time. If I can offer any further support or you would like to discuss this with me please feel free to call me 812-822-1938

Sincerely,



Lesley Seyer
The Happy Paper Pusher
1555 S. Piazza Drive
Bloomington, IN 47401
happypaperpusher.COM



Patrick Shay <shayp@bloomington.in.gov>

Input for this evening's agenda

Bomba, Kelly C <kbomba@indiana.edu>

Mon, Apr 9, 2012 at 1:56 PM

To: "shayp@bloomington.in.gov" <shayp@bloomington.in.gov>

Cc: Susannah Yeagley <susannahyeagley@yahoo.com>

Hello! I am writing to you in support of the proposal being brought forth this evening regarding Renwick and a potential fitness facility. As I am unable to attend the meeting in person, I wanted to be sure and express my support ahead of time.

I strongly believe in the concept that Suzy Yeagley will bring to this area for several reasons. Beyond the obvious promotion of health and well-being, I am a proponent of the concepts envisioned as it relates to family-oriented functional fitness. I have two children - a son age 10 and a daughter age 7. Our family would be excited about the youth fitness classes that Suzy intends to offer.

My husband is a Bloomington native and his parents live in the home he was raised in right across from the Renwick development on the Sare Road extension. Renwick is a beautiful development but it has certainly not come close to reaching its potential with regard to vitality. My sense is that the proposed fitness facility would greatly enhance the Renwick development and would liven up the area from a business perspective.

The proposed fitness facility will positively impact the Renwick neighborhood, the community at large and families like mine. I look forward to seeing this come to life.

Thank you for your time. Be well.

Kelly Bomba

kbomba@indiana.edu



Patrick Shay <shayp@bloomington.in.gov>

Pilates Studio

penny.trilling@comcast.net <penny.trilling@comcast.net>
To: shayp@bloomington.in.gov

Mon, Apr 9, 2012 at 12:47 PM

To whom it may concern:

I am a resident of Hyde Park and am emailing you my support for the addition of a Fitness Studio by Suzy Yeagley in one of Renwick's buildings. Great addition to the neighborhood!!!!

Sincerely,

Penny Trilling



Patrick Shay <shayp@bloomington.in.gov>

Fitness at Renwick

Cynthia Bannon <cjbannon62@gmail.com>

Mon, Apr 9, 2012 at 12:56 PM

To: shayp@bloomington.in.gov

Cc: Susannah Yeagley <susannahyeagley@yahoo.com>

It's a great idea to have a fitness center at Renwick, a convenient and neighborhood based exercise option would be a benefit for people living not only at Renwick but also in adjacent neighborhoods. Please support this initiative by Suzy Yeagley.

Cynthia Bannon
1213 S. Pickwick Place



Patrick Shay <shayp@bloomington.in.gov>

Support for fitness center in Renwick

Sarah Ramusack <sarahramusack@gmail.com>

Mon, Apr 9, 2012 at 12:58 PM

To: shayp@bloomington.in.gov

I want to give my support for a fitness center in Renwick. I live less than a mile away from Renwick and think this would be beneficial to my family.

- Sarah Ramusack
Bloomington, Indiana



Patrick Shay <shayp@bloomington.in.gov>

Renwick Fitness Center

Tommy Berry <busoccer@gmail.com>
Reply-To: tommy@busoccer.com
To: Patrick Shay <shayp@bloomington.in.gov>

Mon, Apr 9, 2012 at 3:55 PM

Hi Pat,

Please forward my email to the appropriate people on the City Planning Commission in support of Suzy Yeagley's request for approved use of a Fitness Center at the Renwick Village.

Dear Bloomington Plan Commission members,

I am unable to make the meeting schedule for today, but this letter is in support of Suzy Yeagley's request for opening a fitness center in the Renwick Village. I am a Renwick resident and both my wife and I like the idea of having a fitness option within walking distance of our home. The Renwick Village Center has been slow to build out and this would be a great use to get things moving in that direction. Additionally, it fits the vision of the type of use that so many of the neighbors in the area would like to see and utilize for improved health and lifestyle.

Lesli and I have known Suzy both personally and professionally for many years. She will run a professional, quality business and be an asset to this area of the community.

Please approve her use in the Renwick Village Commercial Center.

Sincerely,

Tommy & Lesli Berry
2001 S Renwick Blvd



Patrick Shay <shayp@bloomington.in.gov>

Renwick/ support


Sandra Ortiz <sandramarielortiz@hotmail.com>

Mon, Apr 9, 2012 at 5:08 PM

To: shayp@bloomington.in.gov

To whom it may concern.

I would like to write in support of Susannah Yeagley's proposal with regards to Renwick using the second floor of one of the buildings as a fitness studio. I think it is a great idea. Sincerely,
Sandra Ortiz



March 30, 2012

APR 1 2012

Planning Commission
C/O Tom Micuda
401 N. Morton Street
Bloomington, IN 47404

RE: Yoga Studio in Renwick Village Center

I own Balance Massage in Renwick Village Center and have been there for two years. I understand that a yoga studio wants to open in Renwick. I fully support this type of business.

My clients enjoy Renwick and I'm positive they would appreciate a Yoga studio close at hand.

Thank you.

Sincerely,



Morgan Patten
Balance Massage
1565 S. Piazza Drive
Bloomington, IN



ORDINANCE 12-12

**TO AMEND TITLE 14 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“PEACE AND SAFETY” -**

**Re: Amending Section 14.36.090 (Intoxicating Beverages – Consumption in Public) to
Authorize Sale of Beer at Cascades Golf Course**

WHEREAS, Bloomington Municipal Code (BMC) 14.36.090 headed “Intoxicating beverages – Consumption in public” prohibits consumption of alcohol in publicly owned places within the City of Bloomington, except for the Buskirk-Chumley Theatre and the Clubhouse at the Cascades Golf Course when the consumption complies with Indiana law; and

WHEREAS, the Bloomington Board of Park Commissioners and the Parks and Recreation Department (“Parks”) own and regulate the Cascades Golf Course (“Course”), and have concluded that offering beer for sale to golfers using the Course pursuant to a permit being sought from the Indiana Alcohol and Tobacco Commission will benefit users of the Course, Parks, and the public, by providing more regulation of the consumption of beer on the Course, reducing instances of surreptitious alcohol consumption, and providing oversight and supervision of alcohol use by Parks staff; and

WHEREAS, Parks staff members who will be authorized to sell beer to golfers at the Course are required by law to attend a training course and periodic refresher courses that are certified by the State of Indiana;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Section 14.36.090 of the Bloomington Municipal Code is hereby amended and restated as follows:

14.36.090 – Intoxicating beverages – Consumption in public.

It is unlawful for any person, within the city limits, to consume any alcoholic beverage in or on any publicly owned place or upon any public street, highway or accessway; provided, however, that it is not unlawful to consume beer or wine, regardless of where it was purchased, at an event for which the Indiana Alcohol and Tobacco Commission has issued a temporary beer permit, as authorized by Indiana Code 7.1-3-6-1 et seq., or a temporary wine permit, as authorized by Indiana Code 7.1-3-16-5 et seq., to a qualified person to sell beer or wine or both at that event; and provided, however, that it is not unlawful to consume beer, wine, or any other alcoholic beverage within the Clubhouse at the Cascades Golf Course and the Buskirk-Chumley Theatre when such consumption is in accordance with the rules and regulations of, and the statutes regarding, the Indiana Alcohol and Tobacco Commission. It is also not unlawful to consume beer or wine on the Cascades Golf Course grounds outside the Clubhouse provided that the beer or wine consumed is procured at the Clubhouse and provided that such consumption is in accordance with the rules and regulations of, and the statutes regarding, the Indiana Alcohol and Tobacco Commission.

SECTION 2. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 3. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2012.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon
this _____ day of _____, 2012.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2012.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Bloomington Municipal Code 14.36.090 to allow the sale of alcohol on the Cascades Golf Course outside the Clubhouse in accordance with Indiana Alcohol and Tobacco Commission permit requirements. It also corrects the name of the Indiana Alcohol and Tobacco Commission and the citation to the state law on temporary wine permits.



Memorandum

To: Members of the City of Bloomington Common Council
From: Mick Renneisen, Director, Parks & Recreation Department
Date: May 16, 2012
**RE: Ordinance Amendment to Bloomington Municipal Code 14.36.090
Headed "Intoxicating Beverages-Consumption in Public" To Allow
the Sale of Beer at Cascades Golf Course**

Summary/Background

Currently BMC Ordinance 14.36.090 allows the consumption of alcoholic beverages within the confines of the Cascades Golf Course clubhouse. Staff is requesting that the Common Council approve the proposed amendment to Ordinance 14.36.090 to allow the sale of beer at Cascades Golf Course. The Board of Parks Commissioners voted to approve the sale of beer at Cascades Golf Course at their April 24, 2012 meeting.

Parks staff originally explored the potential sale of beer at the golf course when the new nine-hole course was constructed in 1999. We think the timing is appropriate to discuss allowing the sale of beer at the golf course to add an additional revenue stream and to better control the current consumption of alcohol, and associated risk to the City, on the golf course. Risk Management/Legal was consulted on this matter and prepared a memo that addresses risk factors and other related issues. They conclude that the sale of beer by City staff results in potentially less risk and more control than current conditions. The entire memo is attached below.

Why is an additional revenue stream relevant? The golf market has been relatively flat for sometime. Additional golf course facilities were constructed in our market, and around the country, when golf interest peaked in the late 90's early 2000's. The addition of other golf facilities has kept the price of golf (fees that can be charged) relatively flat in the local market in the last decade. Operational costs (gas, water, labor, equipment, supplies) have continued to increase while interest in the activity has remained flat or even declined slightly. An additional revenue stream will allow us to continue to offset operational expenses at the facility and keep our prices competitive in an already challenging market.

An additional benefit to allowing the sale of beer at Cascades Golf Course is that the facility will be able to attract more golf outings. Many outings (group bookings) prefer the option to have beer consumed as part of their event. It has not been uncommon for the event coordinator to indicate a preference for using Cascades Golf Course for their event until they find out that beer consumption is not allowed. They then take their event to another course in the market that does allow the consumption of beer. Allowing the sale of beer will make Cascades Golf Course a more attractive venue for these highly profitable group outings.

There are other municipally owned golf courses in Indiana that sell beer at their facility. We have obtained estimates of potential revenue from the sale of beer from these municipal golf course operations. The most similar municipal golf operations are in Noblesville, Clarksville, and Indianapolis. These courses are similar in

comparison to the Cascades Golf Course operation in terms of number of rounds played, similar price points for golf, and have a similar customer demographic.

The table below shows potential revenue from the sale of beer based on the following variables. The current wholesale price of canned beer is approximately \$18 per case in the four domestic and basic brands that we propose to sell. The generally accepted golf retail price in our market is currently \$2.50 per can. The worse case assumes a lower gross sales, downward pressure on price to \$2.00 (not expected), and creeping cost of product per case (very likely to occur in the future).

We anticipate very small additional costs for this ancillary operation. We would purchase foldable coolers that fit on the golf car. These identifiable coolers allow us to regulate the possession of alcohol on our premises. As noted in Risk Management’s attached memo, the dissemination of alcohol by our staff in this manner actually lowers our risk from current practices where the customer often “sneaks” the product onto the course. The coolers cost less than \$10 per cooler and are reusable. There is no additional labor cost as our existing staff currently dispenses food/beverage from behind one counter where fees are collected. There is existing storage space for the alcohol product and cooler storage. The added fixed costs are in insurance liability and licensing. Business risk is low because you only order what is necessary and don’t have to keep a large inventory of product with the risk that it might not sell.

See the table below for the estimated income/expenses associated with the potential sale of beer at the golf course.

Estimated Annual Income/Expenses from Beer Sales

	Worst Case	Average Case	Best Case
	60% margin	70% margin	70% margin
Gross Sales	\$35,000	\$42,000	\$50,000
Product Cost	-\$14,000	-\$12,600	-\$15,000
Liability Ins. Cost Increase	-\$ 1,500	-\$ 1,500	-\$ 1,500
License	-\$ 750	-\$ 750	-\$ 750
Reusable Coolers	-\$ 500	-\$ 500	-\$ 500
Net Margin	\$18,250	\$26,650	\$32,250

RESPECTFULLY SUBMITTED,



Mick Renneisen, Administrator

TO: Mick Renneisen
FROM: Michael Rouker, Assistant City Attorney
RE: Liability – Alcohol Sales at Cascades Golf Course
DATE: May 11, 2012

QUESTION PRESENTED

What effect would the sale of alcohol at Cascades Golf Course have on potential civil liability?

LEGAL MATTERS

Liquor liability cases typically involve litigation after an intoxicated driver has killed or severely injured himself or another person. In some instances, litigation ensues after an injury occurs directly on the premises where the alcohol was furnished. Generally, injured parties seek to recover damages from the institution that furnished the intoxicated person(s) with alcohol, as such institutions are likely to be well-insured.

Indiana Code § 7.1-5-10-15.5 – The Dram Shop Act

The Indiana legislature has codified the requirements for establishing civil liability for selling alcohol through what is commonly known as the Dram Shop Act. The relevant portion reads as follows:

A person who furnishes an alcoholic beverage to a person is not liable in a civil action for damages caused by the impairment or intoxication of the person who was furnished the alcoholic beverage unless: (1) the person furnishing the alcoholic beverage had actual knowledge that the person to whom the alcoholic beverage was furnished was visibly intoxicated at the time the alcoholic beverage was furnished; and (2) the intoxication of the person to whom the alcoholic beverage was furnished was a proximate cause of the death, injury or damage alleged in the complaint.

Ind. Code § 7.1-5-10-15.5(b).¹ The Act contains two basic requirements—(1) actual knowledge and (2) proximate causation.

As a preliminary matter, it is important to note that “constructive knowledge” of a patron’s visible intoxication is *not* sufficient to establish liability. *Gariup Const. Co., Inc. v. Foster*, 519 N.E.2d 1224, 1230 (Ind. 1988). Proving constructive knowledge only requires evidence that a proprietor of alcohol *should* have known that an individual was visibly intoxicated. Constructive knowledge is much easier to establish than actual knowledge.

¹ A separate provision makes it a criminal offense to for a person to furnish alcohol to another person who is in a state of intoxication. Indiana Code § 7.1-5-10-15(a): “It is unlawful for a person to sell, barter, deliver, or give away an alcoholic beverage to another person who is in a state of intoxication if the person knows that the other person is intoxicated.” That statute is relevant for criminal purposes for those who will be serving alcohol and has no bearing on the City’s potential civil liability.

Actual knowledge is more difficult to prove. Absent an admission from the individual serving alcohol that he was aware that a patron was intoxicated, juries are permitted to infer actual knowledge of visible intoxication based on the circumstances surrounding the service of alcohol. *Murdock v. Fraternal Order of Eagles*, 773 N.E.2d 964, 968 (Ind. Ct. App. 2002). In past cases, courts have instructed juries to consider a number of factors, including (1) how much alcohol a customer consumed, (2) what sort of alcohol was served, (3) over what time period the alcohol was consumed, (4) the patron's behavior at the time of consumption, (5) and the person's condition shortly after leaving the premises where the alcohol was served. *Id.*

For example, in *Ward v. D & A Enterprises of Clark County, Inc.*, 714 N.E.2d 728 (Ind. Ct. App. 1999), the fact that a motorist had a blood alcohol content of .22% was sufficient evidence for a reasonable jury to infer that a tavern improperly served him alcohol while he was visibly intoxicated. Similarly, in *Booker, Inc. v. Morrill*, 639 N.E.2d 358, (Ind. Ct. App. 1994), a jury's inference that a drunk driver was improperly served alcohol while already intoxicated was deemed reasonable based on an expert witness's testimony that any person with the patron's blood-alcohol level would show physical signs of intoxication.

On the other hand, in *Muex v. Hindel Bowling Lanes* 596 N.E.2d 263 (Ind. Ct. App. 1992), the Court of Appeals determined that no reasonable jury could have imputed actual knowledge of intoxication to the server at a bowling alley where alcohol was served through a beverage window and there were no complaints about the customer's behavior.

Based on these cases, we can draw two broad conclusions about actual knowledge. First, a server's admission that he was aware of a patron's intoxication and nonetheless continued to serve the patron alcohol is damning evidence. An admission by a licensed server that he furnished intoxicated customers with beer will result in liability. Second, absent such an admission, a patron's level of intoxication and behavior are the primary factors a jury will consider to determine whether actual knowledge has been established.

In the context of this memorandum, the second element, proximate causation, is not worthy of discussion. Whether or not an individual's intoxication was the proximate cause of a loss is a fact sensitive inquiry. Causation is a defense that could be raised by the City on a case-by-case basis. It is therefore not useful to discuss causation prospectively.

Common Law Liquor Liability

Indiana's Dram Shop Act does not foreclose a common law negligence against the owner of premises where alcohol is consumed. The Indiana Court of Appeals has pointed out that "proprietors [of alcohol] owe a duty to their business invitees to use reasonable care to protect them from injury caused by other patrons and guests on their premises, including providing adequate staff to police and control disorderly conduct." *Muex*, at 266. Businesses are only required to take steps to prevent acts that are reasonably foreseeable. *Id.*, at 266-267. The applicable rule is set forth in the

Restatement of Torts:

A possessor of land who holds it open to the public for entry for his business purposes is subject to liability to members of the public while they are upon the land for such a purpose, for physical harm caused by the accidental, negligent, or intentionally harmful acts of third persons or animals, and by the failure of the possessor to exercise reasonable care to

"(a) discover that such acts are being done or are likely to be done, or

"(b) give a warning adequate to enable the visitors to avoid the harm, or otherwise to protect them against it.

Restatement of Torts (Second) § 344.

The Indiana Court of Appeals put this principle to practice in *Bearman v. University of Notre Dame*, 453 N.E.2d 1196 (Ind. Ct. App. 1983). The Court held that Notre Dame University had actual knowledge that fans at tailgate parties often became intoxicated and posed a general threat to the safety of other patrons. Therefore the court concluded that the University had a duty to take reasonable precautions to protect fans attending football games from injuries caused by the acts of intoxicated third persons.

While the Dram Shop Act provides one avenue for individuals injured by intoxicated parties to recover from alcohol providers, premises liability provides a second mechanism.

ALCOHOL SALES AT CASCADES - RECOMMENDATIONS

By selling alcohol at Cascades Golf Course, the City's exposure to civil liability will increase with regard to statutory liability pursuant to Indiana Code § 7.1-5-10-15.5. However, by taking a couple of prudent risk management steps, any additional exposure under the Dram Shop Act can be well controlled. Alcohol sales will not have an appreciable effect with regard to common law premises liability—if anything, the City's exposure will decrease.

Indiana Code § 7.1-5-10-15.5 - Dram Shop Exposure

At present, the City is not in the business of selling alcohol to consumers. Therefore the City has no exposure to liability under the Dram Shop Act. If the City begins selling alcohol for profit, it will have some exposure under Indiana Code § 7.1-5-10-15.5. However, as noted above, that statute imposes onerous evidentiary requirements on plaintiffs. Plaintiffs have to prove actual knowledge of patrons' visible intoxication in order to recover damages.

Legal recommends two steps to mitigate any exposure. First, the City should obtain liquor liability insurance. The City's current insurance regime does not cover liability that results from the sale of alcohol. Liquor liability is a specialty line of coverage, but is not particularly expensive. A quick perusal of the insurance market indicates that standard policy with a \$1,000,000 limit could be purchased at a reasonable annual premium of approximately \$1,500.

Second, the number of employees licensed to sell alcohol should be limited and those employees should be carefully supervised. As is often the case, the most prudent risk management measure is to utilize responsible employees. It is imperative that the City employees responsible for furnishing alcohol refrain from selling to intoxicated patrons. Knowingly selling alcohol to an intoxicated individual not only exposes the City to civil liability, but also constitutes a criminal act.

Over the years, Parks and Recreation has a long record of employing responsible employees who are well supervised. Employees at Cascades Golf Course are more than capable of responsibly selling beer to members of the public.

Common Law Premises Exposure

The City is aware that patrons at Cascades Golf Course sneak alcohol onto the Golf Course. Because the City has actual knowledge of a potential hazard, the City has a duty to take reasonable precautions to protect members of the public at the Golf Course.

Parks is proposing issuing an identifiable cooler with each alcohol sale. Personnel circulating the course who notice any coolers other than those issued by Parks will ask to inspect the contents. As is presently the case, patrons will not be permitted to consume alcohol they personally brought onto the course. However, by selling beer at the club house, Parks will provide an alternative option to golfers. Rather than having to sneak alcohol onto the course, customers will be able to purchase it. City personnel will be able to control the quantity sold to any individual golfer or group of golfers.

This, in turn, reduces the risk that golfers will be intoxicated, which has an obvious positive impact on the City's premises liability exposure.

CONCLUSION

Risk Management and Legal are comfortable with Parks selling beer at Cascades. The City should obtain a liquor liability policy prior to selling alcohol, and Parks should carefully select the employees who will be authorized to sell beer. And, as always, diligent supervision of those employees will be required.

**Annotated Changes to BMC Chapter 14.36 (Unlawful Conduct)
Proposed by Ord 12-12**

(See the [▶] and Strike-Out and Bold Font Below for Changes)

Chapter 14.36 - UNLAWFUL CONDUCT

Sections:

[14.36.030 - Barbed wire fences.](#)

[14.36.050 - Defacing or destroying city property.](#)

[14.36.060 - Removal of locks and other closing devices from refrigerators, iceboxes, etc.](#)

[14.36.090 - Intoxicating beverages—Consumption in public.](#)

[14.36.130 - Stench bombs—Sale.](#)

[14.36.140- Stench bomb—Throwing or depositing upon person or property of another.](#)

[14.36.150 - Stench bombs—Possession.](#)

[14.36.160 - Fences adjacent to swimming pools, ponds, quarries or other water-filled excavations—Required.](#)

•••••

14.36.090 - Intoxicating beverages—Consumption in public.

It is unlawful for any person, within the city limits, to consume any alcoholic beverage in or on any publicly owned place or upon any public street, highway or accessway; provided, however, that it is not unlawful to consume beer or wine, regardless of where it was purchased, at an event for which the Indiana Alcoholic Beverage Control Commission has issued a temporary beer permit, as authorized by Indiana Code 7.1-3-6-1 et seq., or a temporary wine permit, as authorized by Indiana Code 7.1-3- ~~16-5~~ **16-5** et seq., to a qualified person to sell beer or wine or both at that event; and provided, however, that it is not unlawful to consume beer, wine or any other alcoholic beverage within the Clubhouse at the Cascades Golf Course and the Buskirk-Chumley Theatre when such consumption is in accordance with the rules and regulations of, and the statutes regarding, the Indiana ~~Alcoholic Beverage Control~~ **Alcohol and Tobacco** Commission. **It is also not unlawful to consume beer or wine on the Cascades Golf Course grounds outside the Clubhouse provided that the beer or wine consumed is procured at the Clubhouse and provided that such consumption is in accordance with the rules and regulations of, and the statutes regarding, the Indiana Alcohol and Tobacco Commission.**

(Ord. 05-32 § 1, 2005).

In the Council Chambers of the Showers City Hall on Wednesday, April 18, 2012 at 7:30 pm with Council President Tim Mayer presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
APRIL 18, 2012

Roll Call: Mayer, Neher, Rollo, Ruff, Sandberg, Spechler, Volan, Granger
Absent: Sturbaum

ROLL CALL

Council President Mayer gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to approve at this meeting.

APPROVAL OF MINUTES

REPORTS:
COUNCILMEMBERS

Darryl Neher reported on the Switchyard Park input session that would be held at the Farmer's Market on Saturday, April 21. He said there would be a public meeting at noon on April 26th at the council chambers and also another session at 5:30 pm. He said this was an exciting project that had recreation and also economic development opportunities for the area. He encouraged citizens to participate.

Dorothy Granger invited citizens to a City-County Residents' Breakfast that she held monthly with Julie Thomas of the County Council. She noted that the event was held at Rachel's Café on East Third Street.

Susan Sandberg noted the 10th Annual Homeward bound walk had been held the previous Sunday. She noted the success of the event, for which she was the MC, and encouraged folks to contribute online in the following thirty days.

Marty Spechler said construction had begun on Section 4 of I-69. He said he would have preferred a better routing to avoid the city, but the decision of the state was binding. He said that access and disruptions should be minimized; tourism should be maximized; and asked that I-69 opponents participate in this effort.

Andy Ruff announced that Robert Greenwald, *Koch Brothers Exposed*, would be shown in the council chambers at 7 pm on Thursday, April 20th by Democracy for Monroe County. He invited citizens to this free event that would highlight corporate power and influence in political narrative.

Tim Mayer thanked Sandberg for her participation in the Homeward Bound walk and said he made remarks at the event for the Mayor. He also thanked Kathy Mayer of the Community and Family Resources Department for her organization of the event.

Council member Volan read a proclamation from Mayor Mark Kruzan noting the achievements of Bloomington High School North and South Science Olympiad teams, and proclaimed the day National Science Olympiad Day in Bloomington. Two student spokespersons Students thanked the council for the proclamation and support in addition to the support of the community. Mayer noted the achievement for the city.

MAYOR and CITY OFFICES

Bet Savich, Volunteer Network Coordinator, reported on the April 3rd Be More Award and noted the following winners:

- Be More Collaborative Award went to the Tornado Cleanup Volunteers of Van Buren Township
- Be More Phenomenal Award (Board Service) went to Donna Lafferty for her work with the Bloomington Symphony Orchestra
- Be More Involved Award (College Student) went to Emily Bornstein for her work at Middle Way House
- Be More Creative Award (Arts and Culture) went to Mary Lee Deckard a founder of the Monroe County History Center
- Be More Knowledgeable Award (Education and Literacy) went to Katie Hopkins for her leadership in the Monroe County Circles Initiative
- Be More Sustainable Award (Animal/Environmental) went to Lisa Ritchel for her work at the Animal Shelter

- Be More Energized Award (Youth) went to 16 year-old Hannah Fidler, a volunteer with Global Gifts and Fair Trade Bloomington
- Be More Bloomington Award (General) went to Phillip Saunders for his work with Shalom Community Center
- Be More Bloomington Award (General) went to Julie Pointer for her 19 years of work with Monroe County Girl Scouts
- Be More Dedicated (Lifetime) was awarded to Lee Marchant for his work with IU Health Bloomington, Ivy Tech and the Salvation Army.

She also noted that on April 20, 2012, the city would be holding a day of service for high school students.

Mayer asked for public comments.

Tonia Matthew noted that April was National Poetry Month. She honored Adrienne Rich, writer and activist, who recently died by reading her poem, *Dedications*.

There were no appointments made at this meeting.

It was moved and seconded that Ordinance 12-08 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 8-0-0.

She also noted that the public comment portion of this deliberation would serve as the legally noticed public hearing on the issue.

It was moved and seconded that Ordinance 12-08 be adopted.

Mayer asked Planning Staff Lynn Darland and Tom Micuda to present the basics of the Right-of-Way Vacation request.

Darland noted the location of the alley and the property that surrounded the alley. She noted that the KPM Hotel Group intended to redevelop five vacant lots surrounding the alley into a Springhill Suites by Marriot hotel. She noted utilities, emergency service providers, the Board of Public Works and Indiana University, the adjoining property owner, had no objections to the vacation.

Darland showed site plans for the hotel and adjoining garage. She noted that the hotel would have five stories on College Avenue, with six stories on Morton Street. She noted that a small separate retail space would also be included in the structure.

Darland reviewed the public benefit of the vacation that she said included \$325,000 Innkeepers Tax Revenue, 35-40 new jobs, and increased revenues for the TIF District. She concluded by saying that the Public Works Department and Planning Department supported the request for vacation of the alley.

Rollo asked if, since alleys are used for alternative transportation, the Bike and Pedestrian Safety Commission had reviewed the request. Micuda said they had, and the plan was also reviewed by Planning transportation staff members. He said that they found that the vacation of alley right-of-way would not interfere with any plans for bicycle transportation.

Volan asked why Indiana University was consulted. Darland said that they owned the property north of the alley: a parking lot and the Woodburn House. Micuda said they were consulted because they were the adjoining property owner. Volan verified with Darland the width and length of the alley. Volan asked if the commercial space located within the building was big enough for a restaurant. Doug Bruce, architect for the project, said that the space was less than 1000 square feet and would be considered quite small and would not accommodate a restaurant.

Volan asked about retail establishments in the area. Micuda mentioned some and said that there would be more at the area north of this site was developed for retail. Bruce said that the area was 'dark' after 5 pm, and that was an issue with this type of business.

COUNCIL COMMITTEES PUBLIC INPUT

BOARD AND COMMISSION APPOINTMENTS

LEGISLATION FOR SECOND READING

Ordinance 12-08 To Vacate a Public Parcel – Re: Alley Right-of-Way Running North/South between North College Avenue and North Morton Street, North of West Ninth Street (KPM Hotel Group, Petitioner

There were no public comments regarding this alley vacation.

Ordinance 12-08 (cont'd)

Council comments:

Rollo said he favored this proposal, and thanked the staff for their work. He said there was a public good in vacating the alley as hotel space was needed in the downtown as opposed to the periphery of the city.

Neher said giving up the alley as public space and giving up public parking spaces in the area in front of the hotel on College Avenue and what the trade-off would be was the consideration in this issue. He said that benefit to the downtown TIF, the innkeeper tax, the employment and increased hotel space in the downtown were of benefit to the city.

Volan said he agreed with previous comments. He said the new functions for the land were an improvement. He noted that the pictures of the new hotel showed projecting signs and that while they are not currently permitted, he encouraged the hotel to apply for a variance to this code. He and asked the council to take up this change as well.

Ruff said he would support the proposal based on the unanimous recommendation of the committee and planning staff.

Spechler said this was the kind of economic development that he liked. He said there would not be a negative environmental effect, but would increase business for local shops and restaurants. He noted the extended-stay aspect of the hotel which would benefit weekday business. He added that this was the type of project that would bring jobs to the community.

Rollo said that he thought it would be great if the city would provide bicycle parking in the area, especially considering the extended stay nature of the business.

Mayer said that putting the property back into the tax roll was important to him and thanked the developer for doing it.

Ordinance 12-08 received a roll call vote of Ayes: 8, Nays: 0.

LEGISLATION FOR FIRST READING

Ordinance 12-09 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration And Personnel" – Re: Amending Chapter 2.04 Entitled "Common Council" to Ease the Opportunity for Standing Committees to Consider Legislation Pending Before the Council

Ordinance 12-09

Ordinance 12-10 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration And Personnel" – Re: Amending Chapter 2.04 Entitled "Common Council" to Establish and Clarify Scheduling Policies for Council Committees

Ordinance 12-10

There was no additional public comment at this time.

PUBLIC INPUT

There were no council schedule items for discussion at this meeting.

COUNCIL SCHEDULE

The meeting was adjourned at 8:20 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Timothy Mayer, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington